

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CASE NO. 22-30506-H2-13
	§	
TERRI JENKINS,	§	
Debtor	§	CHAPTER 13
	§	
CARRINGTON MORTGAGE	§	
SERVICES, LLC as servicer	§	
for THE BANK OF NEW YORK	§	
MELLON, F/K/A THE BANK OF	§	
NEW YORK AS TRUSTEE FOR	§	
REGISTERED HOLDERS OF CWABS,	§	
INC., ASSET-BACKED	§	
CERTIFICATES, SERIES 2006-5,	§	
Movant	§	HEARING DATE: 06/23/2022
	§	
v.	§	TIME: 10:30 AM
	§	
TERRI JENKINS; ANTWAN HENRY,	§	
Co-Debtor; and WILLIAM E.	§	
HEITKAMP, Trustee	§	
Respondents	§	JUDGE DAVID R. JONES

**MOTION FOR RELIEF FROM THE STAY AND CO-DEBTOR STAY REGARDING
EXEMPT PROPERTY AND REQUEST FOR VARIANCE**

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN JUNE 16, 2022 AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 7 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON JUNE 23, 2022 AT 10:30 AM IN COURTROOM 400, 515 RUSK AVENUE, 4TH FLOOR, HOUSTON, TX 77002.

1. The pay history attached to and filed with this motion does not begin with the inception of the loan. Movant has filed a proof of claim that includes a pre-petition payment history dating back to the date that the loan was last current. A post-petition pay history is attached to the Motion. Movant therefore requests that a variance from the requirement that a pay history from inception be filed because it is not relevant to this Motion.

2. This Motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 4.

3. Movant: CARRINGTON MORTGAGE SERVICES, LLC as servicer for THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-5

4. Movant, directly or as agent for the holder, holds a security interest in certain real property of the Debtor(s) having an address of

11939 CANYON VALLEY DRIVE
TOMBALL, TX 77377

and a legal description of:

LOT ONE (1), IN BLOCK TWO (2), OF CANYON GATE AT NORTHPOINTE,
SECTION TWO (2), AN ADDITION IN HARRIS COUNTY, TEXAS ACCORDING TO
THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 404083 OF
THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

5. Debtor has not yet filed schedules in this case. Movant therefore does not know whether the property described in paragraph 4 is claimed as exempt by the debtor.

6. Type of collateral (e.g. Home, Manufactured Home, Car, Truck, Motorcycle): Real Estate property Home.

7. Debtor's scheduled value of property: Debtor has not yet filed schedules in this case.

8. Movant's estimated value of property: \$330,026.00, based upon appraisal district valuation.

9. As of May 20, 2022, the total amount owed to movant: \$379,592.94.

10. Estimated equity (paragraph 8 minus paragraph 9): \$-49,566.94.

11. Total pre-petition arrearages: \$100,938.87.

12. Total post-petition arrearages: \$4,565.67.

13. Amount of unpaid, past due property taxes, if applicable: N/A.

14. Expiration date on insurance policy, if applicable: N/A.

15. X Movant seeks relief based on the debtor(s)' failure to make payments, failure to file a chapter 13 plan or schedules, and lack of equity in the collateral. Debtor(s)' payment history is attached as exhibit "A". Movant represents that the attached payment history is a

current payment history reflecting all payments, advances, charges and credits dating as far back as the date of the filing of the bankruptcy. Movant further represents that the payment history is self-explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.

16. _____ Movant seeks relief based on the debtor(s)' failure to provide a certificate of insurance reflecting insurance coverage as required by the debtor's pre-petition contracts.

17. Name of Co-Debtor: ANTWAN HENRY

18. Based on the foregoing, movant seeks termination of the automatic stay and co-debtor stay to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 10.

19. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if *pro se*) either by telephone, by email or by facsimile, by the following person on the following date and time:

Mitchell Buchman attempted to call the debtor.

May 25, 2022 at 12:04 p.m.

An agreement could not be reached. If requested by debtor and debtor's counsel, a payment history in the form attached to this motion was provided at least two days, excluding intermediate weekends and holidays, before this motion was filed.

Date: 05/27/2022

/s/ MITCHELL BUCHMAN

MITCHELL BUCHMAN

TX NO. 03290750

S.D. TX NO. 6328

1900 ST. JAMES PLACE SUITE 500

HOUSTON, TX 77056

Telephone: (713) 621-8673

Facsimile: (713) 621-8583

E-mail: SDECF@BDFGROUP.COM

ATTORNEY FOR MOVANT

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on exhibit “1” at the addresses reflected on that exhibit on May 27, 2022 via electronic means as listed on the Court's ECF Noticing System or by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

/s/ MITCHELL BUCHMAN

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S.D. TX NO. 6328

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HOUSTON, TX 77056

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Facsimile: (713) 621-8583

E-mail: SDECF@BDFGROUP.COM

ATTORNEY FOR MOVANT

EXHIBIT 1

DEBTOR:

TERRI JENKINS
11939 CANYON VALLEY DR.
TOMBALL, TX 77377

CO-DEBTOR:

ANTWAN HENRY
11939 CANYON VALLEY DRIVE
TOMBALL, TX 77377

TRUSTEE:

WILLIAM E. HEITKAMP
9821 KATY FREEWAY
STE 590
HOUSTON, TX 77024

DEBTOR'S ATTORNEY:

PRO SE

PARTIES IN INTEREST:

None

PARTIES REQUESTING NOTICE:

CANYON GATE AT NORTHPOINTE OWNERS ASSOCIATION, INC.
SARAH BETH GERDES, SEARS, BENNETT & GERDES, LLP
6548 GREATWOOD PARKWAY
SUGAR LAND, TX 77479

PRA RECEIVABLES MANAGEMENT, LLC
PO BOX 41021
NORFOLK, VA 23541

TOMBALL INDEPENDENT SCHOOL DISTRICT ET AL.
MELISSA E VALDEZ, PERDUE BRANDON FIELDER COLLINS & MOTT
1235 NORTH LOOP WEST
SUITE 600
HOUSTON, TX 77008